

REMARKS

This responds to the Office Action mailed on June 1, 2007.

Claims 1, 18, 35, and 36 are amended, no claims are canceled, and no claims are added; as a result, claims 1-2, 4-19, and 22-36 are now pending in this application.

§102 Rejection of the Claims

Claims 1-2, 6-7, 9-15, 18, 19, 23-24 and 26-32, 35 and 36 were rejected under 35 U.S.C. § 102(e) for anticipation by Kari et al. (U.S. 6,154,745).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of anticipation for at least the following reasons:

The reference does not teach each and every claim element.

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”¹

Claim 1 recites the limitations of “responsive to receipt of the query, initiating geolocation activities at the geolocation system to map the network address to a geographic location associated with the network address” and “wherein the geolocation activities include tasking a plurality of data collection machines to collect data pertaining to the network address and mapping the network address to the geographic location based on the collected data.” After reviewing the cited portions of Kari relied upon by the Office Action, Applicants respectfully submit that Kari does not teach the above limitations of claim 1. In contrast Kari describes:

“... At the stage when the user initiates the query ... by setting up a connection via the telecommunication network 2 to the service, the location information, the identification of the terminal or the user, and possible information on the travel route is included in the query message (block 102) which is transmitted to the

¹.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

service. The messages or inquiries sent from the search terminal are routed to the appropriate network address (block 103). For routing, the user identification, the geographical position of the search terminal 1, the travel route selected by the user or noticed by the search terminal 1, or any combination of these is utilized. In the system according to the invention, the reply to the query message can be formed on the basis of the user identification, the travel route and the geographical location of the search terminal 1. . . .”²

“ . . . After the search terminal 1 has received a response from the connection server 3, i.e. the connection is established, the search terminal 1 starts transmission of the query message to the connection server 3 (block 314). The query message sent from the search terminal 1 is processed in the connection server 3 (FIG. 4), which inter alia on the basis of the content of the query message selects the suitable remote server 4, 4'. 4" for processing of the query message. Next, the connection server 3 transmits the information of the query message to the remote server 4, 4', 4" selected, and possibly adds also user-specific information available in its own user file to the query message. . . .”³

(Emphases added)

According to these passages, the query message sent from the search terminal to the connection server 3 is processed in the connection server 3, which selects a suitable remote server for processing of the query message and transmits the information of the query message to the remote servers. The reply to the query message can be formed on the basis of user identification However, the passages are silent on *initiating geolocation . . . to map the network address to a geographic location associated with the network address*, as required by claim 1. Clearly, the processing in Kari’s servers 3 and 4 is focused on the query message and replying to the query message, and, by no means, on *mapping the network address to a geographic location associated with the network address*. As such, Kari fails to teach “*responsive to receipt of the query, initiating geolocation activities at the geolocation system to map the network address to a geographic location associated with the network address*,” as recited in claim 1. In addressing the claim 1 limitation of “wherein the geolocation activities include tasking a plurality of data collection machines to collect data pertaining to the network address and mapping the network address to the geographic location based on the collected data,” the Office Action relied on Fig. 8 and the following quotes from Kari:

² Kari, col. 6, lines 7-62

³ Kari, col. 7 lines 17 to col. 8, line 62

“ . . . If the search gives no such record whose information would correspond to the query message to a sufficient degree, the user is informed of this advantageously by an error message transmitted by the connection server 3 to the search terminal 1 and displayed by the display means of the search terminal 3. Thus the user may for example reformulate the query, if necessary. . . . It is also possible that the connection server 3 is arranged to operate as a generally used server, in which case the connection server 3 does not necessarily contain user-specific information. Thus the user must give all the necessary information in the query message, or the connection server 3 can contain some predefined settings for users of different kind, of which the user can select the most suitable. . . .”⁴

Fig. 8 shows a questionnaire to receive other parameters defined by the user (col. 15, lines 28-31). In the passage quoted above, again the query message is the focus and if search gives no result an error message is transmitted to the search terminal. Also, all the necessary information in the query message must be given by the user. . . . Clearly, Kari’s servers 3 and 4, as indicated by the above passages, merely process the query message and do not engage in *mapping the network address to the geographic location based on the collected data*, as required by claim 1. In other words, Kari does not disclose the limitation of “*wherein the geolocation activities include tasking a plurality of data collection machines to collect data pertaining to the network address and mapping the network address to the geographic location based on the collected data*,” as recited by claim 1. As such, Kari does not teach each and every element of claim 1. Therefore, Applicants respectfully submit that, at least for the reasons set forth above, the Office Action failed to provide a *prima facie* case of anticipation of claim 1 over Kari. Thus, claim 1 and its dependent claims 2 and 5-17 are allowable, and it is respectfully requested the claim rejections under 35 U.S.C. § 102(e) be withdrawn.

The same arguments as presented with respect to claim 1 are also applicable to a consideration of independent claims 18, 35 and 36. As such, at least for the same reasons noted above with respect to claim 1, independent claim 18 and its dependent claims 19 and 22-34 and claims 35 and 36 are allowable. Thus, it is respectfully requested the claim rejections under 35 U.S.C. § 102(e) be withdrawn.

§103 Rejection of the Claims

⁴ Kari, col. 9, line 15 to col. 10 line 60

Claims 8 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kari in view of Zoken et al. (U.S. 5,944,787, hereinafter, "Zoken").

In consideration of the above rejection, claims 8 and 25 are dependent on claims 1 and 18 respectively. Thus, they are deemed to include the same limitations as presented by the claims they are dependent on. As such, at least for the same reasons set forth above with respect to claims 1 and 18, dependent claims 8 and 25 are not anticipated by Kari. Accordingly, a prima facie case of obviousness of these claims cannot be established over Kari in view of Zoken. Thus, Applicants respectfully submit that claims 8 and 25 are allowable and it is requested the claim rejections under 35 U.S.C. § 103(a) be withdrawn.

Claims 5 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Kari in view of Reed et al. (U.S. 5,862,325, hereinafter "Reed").

Claims 5 and 22 are dependent on claims 1 and 18, respectively. Thus, they incorporate the same limitations as presented by the independent claims 1 and 18. As such, at least for the same reasons discussed above with respect to claims 1 and 18, dependent claims 5 and 22 are not anticipated by Kari. Accordingly, Kari in view of Reed cannot render the claims obvious. Therefore, it is respectfully submitted that claims 5 and 22 are allowable. Thus, it is requested the claim rejections under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

Claims 16-17 and 33-34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-17 and 33-34 are dependent on independent claim 18. Based on the arguments presented above, claim 18 is believed to be allowable. As such, claims 16-17 and 33-34 are dependent on a base claim that is believed to be allowable. Thus, it is respectfully requested the claim objections be withdrawn.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute

any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date September 25, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25th, day of September 2007.

Dawn R. Shaw

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Signature